

**REMARKS**

**Summary of the Office Action**

The drawings stand objected to because Figures 1 and 2 should be designated by a legend, such as "Prior Art," and Figure 3 has a minor informality.

The title stands objected to for not being descriptive.

Examiner's acknowledgement of Applicant's claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) is noted.

Claim 22 stands objected to because of a minor informality.

Claims 1, 6, 10, 16, and 21 and therefor 2-5, 7-9, 11-15, 17-20, and 22 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement and/or under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 2, 7, 11, 17 and 22 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 20 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 1, 6, 10 and 16 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,483,650 to Imai.

Claims 2, 7, 11, 17, and 21 stand rejected under 35 U.S.C. §102(e) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Imai.

Claims 3, 8, 13 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Imai in view of U.S. Patent No. 6,637,657 to Barkan et al.

Claims 4, 9, 14, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Imai in view of JP 09-213989 to Sakakibara et al.

Claims 5 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Imai.

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Imai in view of U.S. Patent No. 6,404,709 to Kouno.

Claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Imai in view of U.S. Patent No. 4,926,036 to Maeda.

#### **Summary of the Response to the Office Action**

Applicants submit concurrently herewith a Submission of Replacement Drawing Sheet to label Figures 1 and 2 as "PRIOR ART" and to correct a minor informality in Figure 3.

Applicants have amended the title of the invention to be more descriptive of what Applicants regard as the invention.

Claim 20 has been cancelled without prejudice or disclaimer. New claim 23 has been added. Claims 1-22 have been amended to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, claims 1-19 and 21-23 are presently pending for consideration.

**The Drawings Do Not Contain Objectionable Subject Matter**

The drawings stand objected to because Figures 1 and 2 should be designated by a legend, such as "PRIOR ART." A Submission of Replacement Drawings is filed concurrently herewith, to add the legend "Prior Art" to Figures 1 and 2. Figure 3 has been amended in accordance with the Examiner's suggestion to change the designator of the substrate for the detecting unit from "126" to --121--. Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

**The Title Is Not Objectionable**

The title stands objected to as not being descriptive. Applicants have amended the title to be more descriptive of the subject matter which Applicants regard as their invention. Accordingly, Applicants respectfully request that the objection to the title be withdrawn.

**The Claims Do Not Contain Objectionable Matter**

Claim 22 stands objected to because of a minor informality. By way of the foregoing Amendment, claim 22 has been amended as suggested by the Examiner. Accordingly, Applicants respectfully request that the objection to claim 22 be withdrawn.

**The Specification Does Not Contain Objectionable Matter**

The Specification stands objected to because of minor informalities. By way of the

foregoing Amendment, the Specification has been amended as suggested by the Examiner.

Accordingly, Applicants respectfully request that the objection to the Specification be withdrawn.

**All Claims Comply With 35 U.S.C. §112, First And Second Paragraphs**

Claims 1, 6, 10, 16, and 21 and therefor 2-5, 7-9, 11-15, 17-20, and 22 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement and/or under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More particularly, the Office Action asserted that the reference to an “opening communicating with an outside of said lead frame package” or “opening communicating with both said hologram optical element and an outside of said lead frame package” is indefinite. By way of the foregoing Amendment, the phrases of “communicating with an outside of said lead frame package” and “communicating with both said hologram optical element and an outside of said lead frame package” have been deleted. Thus, these 35 U.S.C. §112, first paragraph and second paragraph, rejections of claims 1-21 are now moot. Accordingly, Applicants respectfully request that the 35 U.S.C. §112, first paragraph and second paragraph, rejections of claims 1-21 be withdrawn.

Claims 2, 7, 11, 17 and 22 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office Action asserts that dependent claims 2, 7, 11, 17 and 22 do not further limit their respective base claims because the limitation of

“separate” has been removed. By way of the foregoing amendment, the phrase “separate” has been deleted from independent claims 1, 6, 10, 16 and 21. Thus, this 35 U.S.C. §112, second paragraph, rejection of claims 2, 7, 11, 17 and 22 is now moot. Accordingly, Applicants respectfully request that the 35 U.S.C. §112, second paragraph, rejection of claims 2, 7, 11, 17 and 22 be withdrawn.

Claim 20 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. By way of the foregoing Amendment, claim 20 has been cancelled without prejudice or disclaimer. Thus, this 35 U.S.C. §112, second paragraph, rejection of claim 20 is now moot. Accordingly, Applicants respectfully request that the 35 U.S.C. §112, second paragraph, rejection of claim 20 be withdrawn.

**All Claims Comply With 35 U.S.C. §102(e)**

Claims 1, 6, 10 and 16 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,483,650 to Imai. Claims 2, 7, 11, 17, and 21 stand rejected under 35 U.S.C. §102(e) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Imai. To the extent the Examiner considers these rejections to apply to newly amended independent claims 1, 6, 10, 16 and 21, it is traversed as being based on a reference that neither describes nor suggests the novel combination of features now recited in amended independent claims 1, 6, 10, 16 and 21. For example, claims 1, 6, 10, 16 and 21 now recite, amongst other features, a lead frame package in combination with “a detecting unit having a substrate and a photo detector mounted on said substrate, said substrate located external to said lead frame package.”

Applicants respectfully submit that Imai fails to teach or suggest “a detecting unit having a substrate and a photo detector mounted on said substrate, said substrate located external to said lead frame package.” In contrast, the substrate 44 of Imai is internal to the lead frame package 45 of Imai. Thus, Imai fails to describe or suggest each and every feature or the combination of features recited in independent claims 1, 6, 10, 16 and 21, as amended. Accordingly, Applicants respectfully request that the 35 U.S.C. § 102(e) rejection and the alternative rejections under 35 U.S.C. §103(a) of claims 1, 6, 10, 16 and 21, as amended, be withdrawn. Further, Applicants respectfully request that the 35 U.S.C. § 102(e) rejection and the alternative rejections under 35 U.S.C. §103(a) of dependent claims 2, 7, 11 and 17 be withdrawn at least because of their dependence on their respective independent claims, as amended, and for the additional features that they recite.

**All Claims Comply With 35 U.S.C. §103(a)**

Claims 3, 8, 13 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Imai in view of U.S. Patent No. 6,637,657 to Barkan et al. Claims 4, 9, 14, and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Imai in view of JP 09-213989 to Sakakibara et al. Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Imai in view of U.S. Patent No. 6,404,709 to Kouno. Claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Imai in view of U.S. Patent No. 4,926,036 to Maeda.

To the extent that the Examiner may consider these rejections to still apply, Applicants respectfully assert that the 35 U.S.C. § 103(a) rejections based upon Imai together with either Barkan et al., Sakakibara et al., Kuono or Maeda do not cure the deficiencies of Imai as discussed above with regard to independent claims 1, 6, 10, 16 and 21, as amended. Applicants also respectfully assert that claims 3, 4, 8, 9, 12, 13, 14, 18, 19 and 22 are allowable at least because of their dependence on their respective independent claims, as amended, and for the additional features that they recite. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejections of claims 3, 4, 8, 9, 12, 13, 14, 18, 19 and 22 be withdrawn.

Claims 5 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Imai. As discussed above, Imai fails to describe or suggest each and every feature or the combination of features recited in independent claims 1 and 10, as amended. Accordingly, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of claims 5 and 15 be withdrawn at

least because of their dependence on their respective independent claims, as amended, and for the additional features that they recite.

Applicants also respectfully assert that new claim 23 is allowable at least because of its dependence on independent claim 10, as amended, and for the additional features it recites.



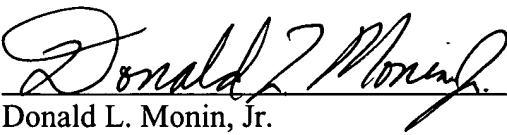
**CONCLUSION**

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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